

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 22-14378-CIV-CANNON/McCabe

**NATIONAL BUILDERS INSURANCE
COMPANY and AMERICAN BUILDERS
INSURANCE COMPANY,**

Plaintiffs,

v.

**SBP HOMES, LLC., DENIS MANELSKI,
and JENNIFER MANELSKI,**

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 29]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendants' Joint Motion to Dismiss/Joint Motion to Abstain (the "Report") [ECF No. 29], filed on June 9, 2023. On March 20, 2023, Defendants filed a Joint Motion to Dismiss/Joint Motion to Abstain (the "Motion") [ECF No. 18]. On June 9, 2023, following referral, Judge McCabe issued a Report recommending that the Motion be granted, and the case be dismissed without prejudice [ECF No. 29 pp. 1, 7–8]. Objections to the Report were due on June 23, 2023 [ECF No. 29 p. 8]. No party filed objections, and the time to do so has expired [ECF No. 29 p. 8].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court

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reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error of law or fact on the face of the record. *Macort*, 208 F. App'x at 784; *see also* 28 U.S.C. § 636(b)(1).

Following review, the Court finds the Report to be well reasoned and correct and finds no clear of law or fact. For the reasons set forth in the Report [ECF No. 29 pp. 6–7], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 29] is **ACCEPTED**.
2. The Motion [ECF No. 18] is **GRANTED**.
3. Plaintiffs' Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk is instructed to **CLOSE** this case.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 26th day of June 2023.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record